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Workmen's Compensation Act, and Amendments

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The Commonwealth of Massachusetts.

Laws, statutes, etc.
Workmen's compensation law

# WORKMEN'S COMPENSATION ACT.

CHAPTER 751, ACTS OF 1911, AND AMENDMENTS TO END OF THE LEGISLATIVE YEAR OF 1917.

WITH INTRODUCTORY STATEMENT, RULES, FORMS, ANNOTATIONS AND INDEX.

INDUSTRIAL ACCIDENT BOARD,
NEW ALBION BUILDING,
1 BEACON STREET, BOSTON, MASS.

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# The Commonwealth of Massachusetts.

# THE WORKMEN'S COMPENSATION ACT.

## INTRODUCTION.

The Industrial Accident Board presents herewith the Workmen's Compensation Act as amended to date, and refers briefly to the more important changes enacted into law by the Legislature during the past two years.

The amendments enacted during the 1917 session provide for: —

1. An increase in the maximum weekly compensation, "while the incapacity for work resulting from the injury is total," to $14 a week.

2. The payment "in all cases" of fatal injury of a sum not to exceed $100 to pay the reasonable expense of the burial of the employee. If the employee leaves dependents "such a sum shall be a part of the compensation payable, and shall to that extent diminish the period of payment."

3. The selection of a physician other than the one provided by the insurer by the employee; "and in case he shall be treated by a physician of his own selection, or where, in case of emergency or for other justifiable cause, a physician other than the one provided by the association is called in to treat the injured employee, the reasonable cost of his services shall be paid by the association."

4. The abolition of committees of arbitration and the hearing of cases previously assigned to committees by single members of the Industrial Accident Board.

5. An increase in the membership of the Board from five to seven members; the assignment of five members to serve as a reviewing board, three members of which shall constitute a quorum to decide all matters which are required to be heard by the Board; and provisions for the hearing of cases involving a review of weekly payments

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by single members subject to the right of review before the Industrial Accident Board.

The amendments enacted during the 1916 session provide for: —

1. A reduction in the "waiting period" from fourteen to ten days and the beginning of compensation on the eleventh day after the injury, instead of on the fifteenth day. (In effect Jan. 1, 1917.)

2. "When compensation shall have begun, it shall not be discontinued except with the written assent of the employee or the approval of the Board, or a member thereof." (In effect Jan. 1, 1917.)

3. The admission in evidence of the report of the impartial physician appointed to examine an injured employee, provided the employee and insurer have seasonably been furnished with copies thereof.

The important amendments enacted during the 1915 session provide for: —

1. An increase in the percentage of the average weekly wages to be paid to injured employees and their dependents from 50 to 66⅔ per cent.

2. An increase in the maximum sum which may be paid on account of death, and for total and partial incapacity for work, from $3,000 to $4,000.

3. An increase in the number of weeks during which compensation may be paid to the dependents of a fatally injured employee, and for partial incapacity for work, from three hundred to five hundred weeks.

4. An increase in the percentage of the average weekly wages to be paid on account of the specified injuries enumerated in Part II., section 11, from 50 to 66⅔ per cent. This is in addition to the payments due on account of incapacity for work.

5. The payment of compensation to a widow who is living apart from her husband for justifiable cause at the time of the injury.

6. The awarding of a lump sum by the Board in its discretion to a minor who has received a permanently disabling injury.

7. The striking out of the words "or casual," so that all employees engaged in the usual course of the trade, business, occupation or profession of their employer, except masters of and seamen on ves-

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sels engaged in interstate or foreign commerce, are entitled to compensation.

8. The extension of medical and hospital services in unusual cases, and the payment of the fee of a physician other than the one ordinarily provided by the insurer "in a case of emergency, or for other justifiable cause."

9. The division of the compensation due into equal parts in certain fatal cases where the employee has "at the time of his death a living child or children by a former wife or husband," said child or children sharing equally with the widow or widower in the benefits due under the statute.

10. Making provision for the taking into consideration of the natural wage increase of young and inexperienced employees in determining their compensation.

11. Providing that procedure shall be simple, and giving the Board power to secure the issuing of commissions to take depositions.

Many other perfecting amendments, enacted since the original act was passed, will be noted by referring to the pages which follow.

The widespread acceptance of the act is shown by the fact that about 30,000 employers of labor have voluntarily provided for the payment of its benefits to about 800,000 employees by insurance in companies authorized to transact business in this Commonwealth. Employees not covered, estimated at about 150,000, may bring suit against their employers under the general law, with the three defenses of personal negligence, negligence of a fellow employee and the assumption of risk of the injury removed. Experience has shown that such suits are an expensive risk to incur.

The statistics showing the payments made by non-insured employers in fatal cases indicate that the dependents received only about one-third of the amount due under the Workmen's Compensation Act. In other words, the average payment by non-insured employers in each fatal case was $701.42, against an average sum due, under the act, of $1,900.57. These figures are substantially the net returns to the dependents.

The failure of certain employers to accept the provisions of the

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act has resulted in the awarding of large sums in damages in cases in which the employee has been able to show negligence on the part of his employer or agent. The awarding of heavy damages in such cases is gradually influencing employers to accept the law and arrange for the payment of its benefits to their employees. The satisfaction of employees generally with its provisions is well shown by the fact that out of the large number covered thereby only 490 have elected to retain their previous status by claiming their right of action under the common law. The vote of three to one in favor of the application of the benefits of the act to "laborers, workmen and mechanics," by the voters of the cities and towns of the Commonwealth, indicates the strongly favorable sentiment among the citizens generally for the Workmen's Compensation Act.

The time of the members of the Board is fully occupied by the formal hearing and decision of cases and their reports, the adjustment by mediation of disputed matters, the giving of advice and opinions, and the supervision of matters that arise in the course of each day. The Board has adopted a thorough open-door policy in regard to the meeting of employees, insurers and others concerned in the administration of the law, and freely invites them to call at any time and confer with its members upon any case or question arising in connection with the Workmen's Compensation Act.

INDUSTRIAL ACCIDENT BOARD,

WILLIAM W. KENNARD, *Chairman.*
DAVID T. DICKINSON.
JOSEPH A. PARKS.
THOMAS F. BOYLE.
FRANK J. DONAHUE.
CHESTER E. GLEASON.
JOHN H. COGSWELL.

ROBERT E. GRANDFIELD, *Secretary.*

BOSTON, July 2, 1917.

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CHAPTER 751, ACTS OF 1911, AS AMENDED BY CHAPTERS 172 AND 571, ACTS OF 1912, CHAPTERS 445, 448, 586, 696, 746, 807 AND 813, ACTS OF 1913, CHAPTERS 166, 338 AND 708, ACTS OF 1914, CHAPTERS 123, 132, 183, 236, 244 AND 275, ACTS OF 1915, CHAPTERS 29, 72, 90, 200, 307 AND 308, GENERAL ACTS OF 1916, AND CHAPTERS 198, 249, 269 AND 297, GENERAL ACTS of 1917.

AN ACT RELATIVE TO PAYMENTS TO EMPLOYEES FOR PERSONAL INJURIES RECEIVED IN THE COURSE OF THEIR EMPLOYMENT AND TO THE PREVENTION OF SUCH INJURIES.

*Be it enacted, etc., as follows:*

## PART I.

### MODIFICATION OF REMEDIES.

SECTION 1. In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injury so sustained, it shall not be a defense: **Defenses removed.**

1. That the employee was negligent;
2. That the injury was caused by the negligence of a fellow employee;
3. That the employee had assumed the risk of the injury.

SECTION 2. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by domestic servants and farm laborers. **Non-application.**

SECTION 3. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by employees of a subscriber.

SECTION 4. The provisions of sections one hundred and twenty-seven to one hundred and thirty-five, inclusive, and of one hundred and forty-one to one hundred and forty-three, inclusive, of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, and of any acts in amendment thereof, shall not apply to employees of a subscriber while this act is in effect.

SECTION 5. An employee of a subscriber shall be held to have waived his right of action at common law to recover damages for personal injuries if he shall not have given his employer, at the time of his contract of hire, notice in writing that he claimed such right, or if the contract of hire was made before the employer became a subscriber, if the employee shall not have given the said notice within thirty days of notice of such subscription. An employee who has given notice to his employer that he claimed his right of action at common law may waive such claim by a notice in writing which shall take effect five days after it is delivered to the employer or his agent. [See chapter 666, Acts of 1912.] **Waiver by employee, of right at common law.** **Manner of giving notices, see page 27.**

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## PART II.

### PAYMENTS.

Compensation of employee.

SECTION 1. If an employee who has not given notice of his claim of common law rights of action, as provided in Part I, section five, or who has given such notice and has waived the same, receives a personal injury arising out of and in the course of his employment, he shall be paid compensation by the association, as hereinafter provided, if his employer is a subscriber at the time of the injury.

No compensation, when.

SECTION 2. If the employee is injured by reason of his serious and wilful misconduct, he shall not receive compensation.

Double compensation.

SECTION 3 [as amended by section 1 of chapter 571, Acts of 1912]. If the employee is injured by reason of the serious and wilful misconduct of a subscriber or of any person regularly entrusted with and exercising the powers of superintendence, the amounts of compensation hereinafter provided shall be doubled. In such case the subscriber shall repay to the association the extra compensation paid to the employee. If a claim is made under this section the subscriber shall be allowed to appear and defend against such claim only.

When compensation begins.

SECTION 4 [as amended by section 1 of chapter 90, General Acts of 1916]. No compensation shall be paid under this act for any injury which does not incapacitate the employee for a period of at least ten days from earning full wages, but if incapacity extends beyond the period of ten days, compensation shall begin on the eleventh day after the injury. When compensation shall have begun, it shall not be discontinued except with the written assent of the employee or the approval of the board, or a member thereof: *provided, however,* that such compensation shall be paid in accordance with section ten of Part II of said chapter seven hundred and fifty-one, as amended by section five of chapter seven hundred and eight of the acts of the year nineteen hundred and fourteen, if the employee in fact earns wages at any time after the original agreement is filed. (*In effect January 1, 1917.*)

Medical and hospital services.

SECTION 5 [as amended by section 1 of chapter 708, Acts of 1914, and chapter 198, General Acts of 1917]. During the first two weeks after the injury, and, if the employee is not immediately incapacitated thereby from earning full wages, then from the time of such incapacity, and in unusual cases, in the discretion of the board, for a longer period, the association shall furnish adequate and reasonable medical and hospital services, and medicines, when they are

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needed. The employee shall have the right to select a physician other than the one provided by the association, and in case he shall be treated by a physician of his own selection, or whether in case of emergency or for other justifiable cause, a physician other than the one provided by the association is called in to treat the injured employee, the reasonable cost of his services shall be paid by the association, subject to the approval of the industrial accident board. Such approval shall be granted only if the board finds that the employee was so treated by such physician, or that there was such emergency or justifiable cause, and in all cases, that the services were adequate and reasonable and the charges reasonable. (*In effect May 23, 1917.*)

Right of employee to select physician other than one provided by association.

SECTION 6 [as amended by section 2 of chapter 708, Acts of 1914]. If death results from the injury, the association shall pay the dependents of the employee, wholly dependent upon his earnings for support at the time of the injury, a weekly payment equal to sixty-six and two thirds per cent of his average weekly wages, but not more than ten dollars nor less than four dollars a week for a period of five hundred weeks from the date of the injury; but in no case shall the amount be more than four thousand dollars. If the employee leaves dependents only partially dependent upon his earnings for support at the time of his injury, the association shall pay such dependents a weekly compensation equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than five hundred weeks from the date of the injury. (*In effect October 1, 1914.*)

In case of fatal injury.

SECTION 7 [as amended by section 3 of chapter 708, Acts of 1914]. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee: —

Dependency.

(*a*) A wife upon a husband with whom she lives at the time of his death, or from whom, at the time of his death, the industrial accident board shall find the wife was living apart for justifiable cause or because he had deserted her. The findings of the board upon the question of such justifiable cause and desertion shall be final.

(*b*) A husband upon a wife with whom he lives at the time of her death.

(*c*) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated

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from earning), upon the parent with whom he is or they are living at the time of the death of such parent, there being no surviving dependent parent: *provided*, that in the event of the death of an employee who has at the time of his death a living child or children by a former wife or husband, under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning), said child or children shall be conclusively presumed to be wholly dependent for support upon such deceased employee, and the death benefit shall be divided between the surviving wife or husband and all the children of the deceased employee in equal shares, the surviving wife or husband taking the same share as a child. The total sum due the surviving wife or husband and her or his own children shall be paid directly to the wife or husband for her or his own use and for the benefit of her or his own children, and the sums due to the children by the former wife or husband of the deceased employee shall be paid to their guardians or legal representatives, for the benefit of such children.

In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof, and if there is no one wholly dependent and more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency. (*In effect June 25, 1914.*)

Expenses of burial.

SECTION 8 [as amended by chapter 269, General Acts of 1917]. In all cases the association shall pay the reasonable expense of burial which shall not exceed one hundred dollars. If the employee leaves dependents, such sum shall be a part of the compensation payable, and shall to that extent diminish the period of payment. (*Approved May 21, 1917; in effect June 20, 1917.*)

Total incapacity.

SECTION 9 [as amended by section 4 of chapter 708, Acts of 1914, and section 1 of chapter 249, General Acts of 1917]. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent of his average weekly wages, but not more than fourteen dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks, nor the amount more than four thousand dollars. (*Approved and in effect May 14, 1917, at 2.33 P. M.*)

Partial incapacity.

SECTION 10 [as amended by section 5 of chapter 708, Acts of 1914]. While the incapacity for work resulting from the

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injury is partial, the association shall pay the injured employee a weekly compensation equal to sixty-six and two thirds per cent of the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks from the date of the injury, nor the amount more than four thousand dollars. (*In effect October 1, 1914.*)

Specified injuries, additional compensation for.

SECTION 11 [as amended by section 2 of chapter 571, Acts of 1912; section 1 of chapter 696, Acts of 1913, section 1 of chapter 445, Acts of 1913, and section 6 of chapter 708, Acts of 1914]. In case of the following specified injuries the amounts hereinafter named shall be paid in addition to all other compensation: —

(*a*) For the loss by severance of both hands at or above the wrist, or both feet at or above the ankle, or the loss of one hand and one foot, or the reduction to one tenth of normal vision in both eyes with glasses, sixty-six and two thirds per cent of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of one hundred weeks.

(*b*) For the loss by severance of either hand, at or above the wrist, of either foot at or above the ankle, or the reduction to one tenth of normal vision in either eye with glasses, sixty-six and two thirds per cent of the average weekly wages of the injured person, for each hand or foot so severed, but not more than ten dollars nor less than four dollars a week for a period of fifty weeks.

(*c*) For the loss by severance at or above the second joint of two or more fingers, including thumbs, of the same hand, or of two or more toes of the same foot, sixty-six and two thirds per cent of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twenty-five weeks for each hand or foot so injured.

(*d*) For the loss by severance of at least one phalange of a finger, thumb, or toe, sixty-six and two thirds per cent of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twelve weeks for each hand or foot so injured.

(*e*) The additional amounts provided for in this section in case of the loss of a hand, foot, thumb, finger, toe, or phalange, shall also be paid for the number of weeks above specified, in case the injury is such that the hand, foot, thumb, finger, toe or phalange is not lost, but so injured as to be permanently incapable of use. (*In effect October 1, 1914.*)

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Savings not to be considered.

SECTION 12. No savings or insurance of the injured employee, independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than the association be considered in fixing the compensation under this act.

To whom payable, in case of death.

SECTION 13 [as amended by section 7 of chapter 708, Acts of 1914]. The compensation payable under this act in case of the death of the injured employee shall be paid to his legal representative; or, if he has no legal representative, to his dependents; or, if he leaves no dependents, to the persons to whom payment of the expenses for the last sickness and burial are due. If the payment is made to the legal representative of the deceased employee, it shall be paid by him to the dependents or other persons entitled thereto under this act. When the appointment of a legal representative of a deceased employee, not otherwise necessary, is required for carrying out the provisions of this act, the association shall furnish or pay for all legal services rendered in connection with the appointment of such legal representative, or in connection with any of his duties, and shall pay the necessary disbursements for such appointment, the necessary expenses of such legal representative, and reasonable compensation to him for time necessarily spent in carrying out said provisions. All said payments shall be in addition to all sums paid for compensation. (*In effect October 1, 1914.*)

Guardian, minor, etc.

SECTION 14. If an injured employee is mentally incompetent or is a minor at the time when any right or privilege accrues to him under this act, his guardian or next friend may in his behalf claim and exercise such right or privilege.

Notice of injury.

SECTION 15. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the injury shall have been given to the association or subscriber as soon as practicable after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or, in case of the death of the employee, or in the event of his physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity.

Form of notice.

SECTION 16 [as amended by chapter 172, Acts of 1912, and section 3 of chapter 571, Acts of 1912]. The said notice shall be in writing, and shall state in ordinary language the time, place and cause of the injury, and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his legal representative or

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by a person in his behalf, or by a person to whom payments may be due under this act or by a person in his behalf. Any form of written communication signed by any person who may give the notice as above provided, which contains the information that the person has been so injured, giving the time, place and cause of the injury, shall be considered a sufficient notice.

Service of notice.

SECTION 17. The notice shall be served upon the association, or an officer or agent thereof, or upon the subscriber, or upon one subscriber, if there are more subscribers than one, or upon any officer or agent of a corporation if the subscriber is a corporation, by delivering the same to the person on whom it is to be served, or leaving it at his residence or place of business, or by sending it by registered mail addressed to the person or corporation on whom it is to be served, at his last known residence or place of business.

Inaccuracy.

SECTION 18. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury, unless it is shown that it was the intention to mislead and the association was in fact misled thereby. Want of notice shall not be a bar to proceedings under this act, if it be shown that the association, subscriber, or agent had knowledge of the injury.

Medical examination, if requested by association, etc.

SECTION 19 [as amended by section 4 of chapter 571, Acts of 1912]. After an employee has received an injury, and from time to time thereafter during the continuance of his disability he shall, if so requested by the association or subscriber, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the commonwealth, furnished and paid for by the association or subscriber. The employee shall have the right to have a physician provided and paid for by himself present at the examination. If he refuses to submit himself for the examination, or in any way obstructs the same, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited.

No agreement to waive compensation valid.

SECTION 20. No agreement by an employee to waive his rights to compensation under this act shall be valid.

No payment assignable, etc.

SECTION 21. No payment under this act shall be assignable or subject to attachment, or be liable in any way for any debts.

Lump sum payment.

SECTION 22 [as amended by section 8 of chapter 708, Acts of 1914]. Whenever any weekly payment has been continued for not less than six months, the liability therefor may in unusual cases where the parties agree and the board deems it to be for the best interest of the employee or his dependents, be redeemed by the payment, in whole or in part, by the association, of a lump sum which shall be

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fixed by the board, but in no case to exceed the amount provided by said act. The board may, however, in its discretion at any time in the case of a minor who has received permanently disabling injuries, either partial or total, provide that he be compensated, in whole or in part, by the payment of a lump sum, the amount of which shall be fixed by the board, but in no case to exceed the amount provided by said act. (*In effect October 1, 1914.*)

Claim for compensation.

SECTION 23 [as amended by section 5 of chapter 571, Acts of 1912]. The claim for compensation shall be in writing and shall state the time, place, cause and nature of the injury; it shall be signed by the person injured or by a person in his behalf, or, in the event of his death, by his legal representative or by a person in his behalf, or by a person to whom payments may be due under this act or by a person in his behalf, and shall be filed with the industrial accident board. The failure to make a claim within the period prescribed by section fifteen shall not be a bar to the maintenance of proceedings under this act if it is found that it was occasioned by mistake or other reasonable cause.

Interest on payments in appealed cases.

SECTION 24 [new section, as added by section 14 of chapter 708, Acts of 1914]. Whenever any question involving the compensation of an injured employee, or his dependents, is appealed to the supreme judicial court, and the decision rendered is in favor of the employee or his dependents, interest to the date of payment shall be paid by the association on all sums due as compensation to such employee or dependents. (*In effect October 1, 1914.*)

CHAPTER 236, GENERAL ACTS OF 1915.[1]

AN ACT RELATIVE TO COMPENSATION TO YOUNG AND INEXPERIENCED WORKMEN WHO RECEIVE INJURIES.

*Be it enacted, etc., as follows:*

Natural wage increase to be taken into consideration.

SECTION 1. Whenever an employee is injured under circumstances that would entitle him to compensation under the provisions of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, and acts in amendment thereof and in addition thereto, if it be established that the injured employee was of such age and experience when injured that, under natural conditions, his wages would be expected to increase, that fact may be taken into consideration in determining his weekly wages.

SECTION 2. This act shall take effect upon its passage. [*Approved May 10, 1915.*

[1] The above chapter, having reference to the determination of compensation payments, is inserted here and may be considered as a section of Part II.

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## PART III.

### PROCEDURE.

SECTION 1 [as amended by section 6 of chapter 571, Acts of 1912, and chapter 297, General Acts of 1917]. There shall be an industrial accident board consisting of five members, to be appointed by the governor, by and with the advice and consent of the council, one of whom shall be designated by the governor as chairman. The term of office of members of this board shall be five years, except that when first constituted one member shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter one member shall be appointed every year for the full term of five years. The industrial accident board established by section one of Part III of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, as amended by section six of chapter five hundred and seventy-one of the acts of the year nineteen hundred and twelve, shall hereafter consist of seven instead of five members. The term of office of the two additional members shall be five years, except that when first appointed one shall be appointed for a term of five years and one for a term of three years. The chairman of said board shall, from time to time, designate five members to serve as a reviewing board, and three members shall constitute a quorum to decide all matters which are required to be heard by the board. (*Approved May 24, 1917; in effect June 23, 1917.*)

**Industrial accident board.**

**Chairman to designate reviewing board.**

SECTION 2 [as amended by section 7 of chapter 571, Acts of 1912]. The salaries and expenses of the board shall be paid by the commonwealth. The salary of the chairman shall be five thousand dollars a year, and the salary of the other members shall be forty-five hundred dollars a year each. The board may appoint a secretary at a salary of not more than three thousand dollars a year, and may remove him. It shall also be allowed an annual sum, not exceeding ten thousand dollars, for clerical service, and travelling and other necessary expenses. The board shall be provided with an office in the state house or in some other suitable building in the city of Boston, in which its records shall be kept.

**Salaries, expenses, etc.**

SECTION 3 [as amended by section 8 of chapter 571, Acts of 1912, and chapters 123 and 275, General Acts of 1915]. The board may make rules not inconsistent with this act for carrying out the provisions of the act. Process and procedure under this act shall be as simple and summary as reasonably may be. The board or any member thereof shall have the power to subpœna witnesses, administer

**Rules of board.**

**Simple procedure, witnesses, etc.**

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oaths, and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. Upon the written request of the board or of any member thereof, together with interrogatories and cross-interrogatories, if any there be, filed with the clerk of the superior court for any county of this commonwealth, commissions to take depositions of persons or witnesses residing without the commonwealth, or in foreign countries, or letters rogatory to any court in any other of the United States or to any court in any foreign country, shall forthwith issue from the said superior court, as in cases pending in said superior court, and upon the return of the said depositions or answers to letters rogatory the same shall be opened by the clerk of the court which issued the commissions or letters, and the said clerk shall endorse thereon the date upon which any deposition or answer to letters rogatory was received and the same shall forthwith be delivered to the board. No entry fee shall be charged in such cases. The fees for attending as a witness before the industrial accident board shall be one dollar and fifty cents a day, for attending before an arbitration committee fifty cents a day; in both cases five cents a mile for travel out and home. The superior court shall have power to enforce by proper proceedings the provisions of this section relating to the attendance and testimony of witnesses and the examination of books and records.

Depositions and letters rogatory.

Superior court to enforce provisions relating to witnesses.

Agreements regarding compensation; memorandum to be filed; how enforcible.

SECTION 4 [as amended by section 9 of chapter 571, Acts of 1912]. If the association and the injured employee reach an agreement in regard to compensation under this act, a memorandum of the agreement shall be filed with the industrial accident board and, if approved by it, thereupon the memorandum shall for all purposes be enforcible under the provisions of Part III, section eleven. Such agreements shall be approved by said board only when the terms conform to the provisions of this act.

Hearing by member of board, if no agreement.

SECTION 5 [as amended by section 9 of chapter 571, Acts of 1912; section 9 of chapter 708, Acts of 1914; and section 2 of chapter 297, General Acts of 1917]. If the association and the injured employee fail to reach an agreement in regard to compensation under this act, or if they have reached such an agreement, which has been signed and filed in accordance with the provisions of this act, and compensation has been paid or is due in accordance therewith and the parties thereto then disagree as to the continuance of any weekly payments under such agreement, either party may notify the industrial accident board which shall thereupon assign the case for hearing by a member of the board. (*Approved May 24, 1917; in effect June 23, 1917.*)

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SECTION 6 [as amended by section 11 of chapter 571, Acts of 1912]. It shall be the duty of the industrial accident board, upon notification that the parties have failed to reach an agreement, to request both parties to appoint their respective representatives on the committee of arbitration. The board shall designate one of its members to act as chairman, and, if either party does not appoint its member on this committee within seven days after notification, as above provided, or after a vacancy has occurred, the board or any member thereof shall fill the vacancy and notify the parties to that effect. [The above section was amended by striking out all of said section by section 3 of chapter 297, General Acts of 1917.] Appointment of arbitrators.

SECTION 7 [as amended by section 12 of chapter 571, Acts of 1912, and section 4 of chapter 297, General Acts of 1917]. The member of the Board shall make such inquiries and investigations as shall be deemed necessary. The hearing shall be held in the city or town where the accident occurred, or in such other place as the board may designate; and the decision of the member, together with a statement of the evidence, his findings of fact, rulings of law, and any other matters pertinent to questions arising before him shall be filed with the industrial accident board. Unless a claim for review is filed by either party within seven days, the decision shall be enforcible under provisions of section eleven of Part III. (*Approved May 24, 1917; in effect June 23, 1917.*) Hearing by a member of board.

SECTION 8 [as amended by section 10 of chapter 708, Acts of 1914, and chapter 72, General Acts of 1916]. The industrial accident board or any member thereof may appoint a duly qualified impartial physician to examine the injured employee and to report. The fee for this service shall be five dollars and travelling expenses, but the board may allow additional reasonable amounts in extraordinary cases, and the association shall reimburse the board for the amount so paid. The report of the physician shall be admissible as evidence in any proceeding before the industrial accident board or a committee of arbitration, provided that the employee and insurer have seasonably been furnished with copies thereof. (*In effect March 23, 1916.*) Examination of employee by physician for board.

SECTION 9. The arbitrators named by or for the parties to the dispute shall each receive five dollars as a fee for his services, but the industrial accident board or any member thereof may allow additional reasonable amounts in extraordinary cases. The fees shall be paid by the association, which shall deduct an amount equal to one third of the sum from any compensation found due the employee. [The above section was amended by striking out all of said section by section 5 of chapter 297, General Acts of 1917.] Fees of arbitrators.

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Review of decision of member by board.

SECTION 10 [as amended by section 13 of chapter 571, Acts of 1912, and section 10 of chapter 297, General Acts of 1917]. If a claim for a review is filed, as provided in Part III, section seven, the board shall hear the parties and may hear the evidence in regard to any or all matters pertinent thereto and may revise the decision of the member in whole or in part, or may refer the matter back to the member for further findings of fact, and shall file its decision with the records of the proceedings and notify the parties thereof. No party shall as a matter of right be entitled to a second hearing upon any question of fact. (*Approved May 24, 1917; in effect June 23, 1917.*)

Court decrees and appeals.

SECTION 11 [as amended by section 14 of chapter 571, Acts of 1912, and section 7 of chapter 297, General Acts of 1917]. Any party in interest may present certified copies of an order or decision of the board, a decision of a member from which no claim for review has been filed within the time allowed therefor, or a memorandum of agreement approved by the board, and all papers in connection therewith, to the superior court for the county in which the injury occurred or for the county of Suffolk, whereupon said court shall render a decree in accordance therewith and notify the parties. Such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in a suit duly heard and determined by said court, except that there shall be no appeal therefrom upon questions of fact, or where the decree is based upon a decision of a member or a memorandum of agreement, and that there shall be no appeal from a decree based upon an order or decision of the board which has not been presented to the court within ten days after the notice of the filing thereof by the board. Upon the presentation to it of a certified copy of a decision of the industrial accident board ending, diminishing or increasing a weekly payment under the provisions of Part III, section twelve, the court shall revoke or modify the decree to conform to such decision. (*Approved May 24, 1917; in effect June 23, 1917.*)

Review of payments by member of board.

SECTION 12 [as amended by section 11 of chapter 708, Acts of 1914, and section 8 of chapter 297, General Acts of 1917]. Any weekly payment under this act may be reviewed by the industrial accident board or any member thereof, and on such review the board or member may, in accordance with the evidence and subject to the provisions of this act, issue any order which may be deemed advisable. If the case is heard and decided by a member, his decision shall be subject to review as provided by sections seven and ten of Part III, and the general provisions of the act. (*Approved May 24, 1917; in effect June 23, 1917.*)

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SECTION 13 [as amended by section 12 of chapter 708, Acts of 1914, and section 12 of chapter 297, General Acts of 1917]. Fees of attorneys and physicians and charges of hospitals for services under this act shall be subject to the approval of the industrial accident board. If the association and any physician or hospital, or the employee and any attorney, fail to reach an agreement as to the amount to be paid for such services, either party may notify the board, which may thereupon assign the case for hearing by a member of the board in accordance with the provisions of this act. The member shall report the facts to the industrial accident board for decision, and the decision shall be enforcible as provided by Part III of section eleven. (*Approved May 24, 1917; in effect June 23, 1917.*)

**Fees subject to approval of board.**

**Hearing by a member if no agreement is reached.**

SECTION 14 [as amended by section 10 of chapter 297, General Acts of 1917]. If the industrial accident board, any member thereof, or any court before whom any proceedings are brought under this act determines that such proceedings have been brought, prosecuted, or defended without reasonable ground, it shall assess the whole cost of the proceedings upon the party who has so brought, prosecuted or defended them. (*Approved May 24, 1917; in effect June 23, 1917.*)

**Assessment of costs.**

SECTION 15 [as amended by section 1 of chapter 448, Acts of 1913]. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the subscriber to pay damages in respect thereof, the employee may at his option proceed either at law against that person to recover damages, or against the association for compensation under this act, but not against both; and if compensation be paid under this act, the association may enforce in the name of the employee, or in its own name and for its own benefit, the liability of such other person, and in case the association recovers a sum greater than that paid by the association to the employee four fifths of the excess shall be paid over to the employee.

**Optional procedure.**

SECTION 16 [as amended by section 15 of chapter 571, Acts of 1912]. All questions arising under this act, if not settled by agreement by the parties interested therein, shall, except as otherwise herein provided, be determined by the industrial accident board. The decisions of the industrial accident board shall for all purposes be enforcible under the provisions of Part III, section eleven.

**Questions determined by board, etc.**

SECTION 17. If a subscriber enters into a contract, written or oral, with an independent contractor to do such subscriber's work, or if such a contractor enters into a contract with a sub-contractor to do all or any part of the work comprised in such contract with the subscriber, and the

**Employees of independent contractor, etc.**

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association would, if such work were executed by employees immediately employed by the subscriber, be liable to pay compensation under this act to those employees, the association shall pay to such employees any compensation which would be payable to them under this act if the independent or sub-contractors were subscribers. The association, however, shall be entitled to recover indemnity from any other person who would have been liable to such employees independently of this section, and if the association has paid compensation under the terms of this section, it may enforce in the name of the employee, or in its own name and for the benefit of the association, the liability of such other person. This section shall not apply to any contract of an independent or sub-contractor which is merely ancillary and incidental to, and is no part of or process in, the trade or business carried on by the subscriber, nor to any case where the injury occurred elsewhere than on, in, or about the premises on which the contractor has undertaken to execute the work for the subscriber or which are under the control or management of the subscriber.

**Employers to report all injuries.**

SECTION 18 [as amended by section 1 of chapter 746, Acts of 1913]. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within forty-eight hours, not counting Sundays and legal holidays, after the occurrence of an injury, a report thereof shall be made in writing to the industrial accident board on blanks to be procured from the board for the purpose. Upon the termination of the disability of the injured employee, the employer shall make a supplemental report upon blanks to be procured from the board for that purpose. If the disability extends beyond a period of sixty days, the employer shall report to the board at the end of such period that the injured employee is still disabled, and upon the termination of the disability shall file a final supplemental report as provided above.

**Supplemental report.**

**Form of report of injury.**

The said reports shall contain the name and nature of the business of the employer, the situation of the establishment, the name, age, sex, and occupation of the injured employee, and shall state the date and hour of any accident causing the injury, the nature and cause of the injury, and such other information as may be required by the board.

**Penalty.**

Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offence.

Copies of all reports of injuries filed by employers with the industrial accident board and all statistics and data compiled therefrom shall be kept available by the said board and shall be furnished on request to the state board of labor and industries for its own use.

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Within sixty days after the termination of the disability of the injured employee, the association or other party liable to pay the compensation provided for by Part II of this act shall file with the board a statement showing the total payments made or to be made for compensation and for medical services for such injured employee.

CHAPTER 132, GENERAL ACTS OF 1915.[1]

AN ACT RELATIVE TO APPEALS UNDER THE WORKMEN'S COMPENSATION ACT, SO-CALLED.

*Be it enacted, etc., as follows:*

Compensation to be paid, despite appeal, until otherwise ordered.

SECTION 1. An order or decision of the industrial accident board, a decree of the superior court upon such an order, a decision of an arbitration committee from which no claim for review has been filed within the time allowed therefor, or a memorandum of agreement approved by the industrial accident board, shall have effect, notwithstanding an appeal, until it is otherwise ordered by a justice of the supreme judicial court who may, in any county, suspend or modify such decree, order or decision, during the pendency of the appeal.

SECTION 2. This act shall take effect upon its passage. [*Approved April 2, 1915.*

## PART IV.

THE MASSACHUSETTS EMPLOYEES INSURANCE ASSOCIATION. [SEE CHAPTER 721, ACTS OF 1912, AS AMENDED BY CHAPTER 338, ACTS OF 1914.]

Massachusetts Employees Insurance Association.

SECTION 1. The Massachusetts Employees Insurance Association is hereby created a body corporate with the powers provided in this act and with all the general corporate powers incident thereto.

Directors.

SECTION 2. The board of directors of the association shall consist of not less than fifteen members, to be elected by ballot by the members, who shall hold office for such term or terms as the by-laws may provide in accordance with the provisions of section twenty-six of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven and until their successors are elected.

Powers of directors and by-laws.

SECTION 3. Until the first meeting of the subscribers the board of directors shall have and exercise all the powers of the subscribers, and may adopt by-laws not inconsistent with the provisions of this act, which shall be in effect until amended or repealed by the subscribers.

Officers.

SECTION 4. The board of directors shall annually choose by ballot a president, who shall be a member of the board,

[1] The above chapter, having reference to procedure, is inserted here and may be considered as a section of Part III.

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a secretary, a treasurer, and such other officers as the by-laws shall provide.

Quorum and vacancies.

SECTION 5. Seven or more of the directors shall constitute a quorum for the transaction of business.

Vacancies in any office may be filled in such manner as the by-laws shall provide.

Any employer may become subscriber.

SECTION 6. Any employer in the commonwealth may become a subscriber.

First meeting of subscribers.

SECTION 7. The board of directors shall, within thirty days of the subscription of twenty-five employers, call the first meeting of the subscribers by a notice in writing mailed to each subscriber at his place of business not less than ten days before the date fixed for the meeting.

Subscribers' voting power.

SECTION 8. In any meeting of the subscribers each subscriber shall be entitled to one vote, and if a subscriber has five hundred employees to whom the association is bound to pay compensation he shall be entitled to two votes, and he shall be entitled to one additional vote for each additional five hundred employees to whom the association is bound to pay compensation, but no subscriber shall cast, by his own right or by the right of proxy, more than twenty votes.

Minimum standard.

SECTION 9. No policy shall be issued by the association until not less than one hundred employers have subscribed, who have not less than ten thousand employees to whom the association may be bound to pay compensation.

Other requirements.

SECTION 10. No policy shall be issued until a list of the subscribers, with the number of employees of each, together with such other information as the insurance commissioner may require, shall have been filed at the insurance department, nor until the president and secretary of the association shall have certified under oath that every subscription in the list so filed is genuine and made with an agreement by every subscriber that he will take the policies subscribed for by him within thirty days of the granting of a license to the association by the insurance commissioner to issue policies.

When further policies not to be issued.

SECTION 11. If the number of subscribers falls below one hundred, or the number of employees to whom the association may be bound to pay compensation falls below ten thousand, no further policies shall be issued until other employers have subscribed who, together with existing subscribers, amount to not less than one hundred who have not less than ten thousand employees, said subscriptions to be subject to the provisions contained in the preceding section.

License.

SECTION 12. Upon the filing of the certificate provided for in the two preceding sections the insurance commissioner shall make such investigation as he may deem proper

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and, if his findings warrant it, grant a license to the association to issue policies.

SECTION 13. The board of directors shall distribute the subscribers into groups in accordance with the nature of the business and the degree of the risk of injury.

Subscribers to be distributed into groups.

Subscribers within each group shall annually pay in cash, or notes absolutely payable, such premiums as may be required to pay the compensation herein provided for the injuries which may occur in that year.

SECTION 14. The association may in its by-laws and policies fix the contingent mutual liability of the subscribers for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a subscriber shall not be less than an amount equal to and in addition to the cash premium.

Contingent liability.

SECTION 15. If the association is not possessed of cash funds above its unearned premiums sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the subscribers liable to assessment therefor in proportion to their several liability.

Assessments.

Every subscriber shall pay his proportional part of any assessments which may be laid by the association, in accordance with law and his contract, on account of injuries sustained and expenses incurred while he is a subscriber.

SECTION 16. The board of directors may, from time to time, by vote fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all the compensation which may be payable on account of injuries sustained and expenses incurred.

Dividends, etc.

All premiums, assessments, and dividends shall be fixed by and for groups as heretofore provided in accordance with the experience of each group, but all the funds of the association and the contingent liability of all the subscribers shall be available for the payment of any claim against the association.

SECTION 17. Any proposed premium, assessment, dividend or distribution of subscribers shall be filed with the insurance department and shall not take effect until approved by the insurance commissioner after such investigation as he may deem necessary. [See chapter 666, Acts of 1912.]

Approval and withdrawal of approval by insurance commissioner. See page 27.

SECTION 18. The board of directors shall make and enforce reasonable rules and regulations for the prevention of injuries on the premises of subscribers, and for this purpose the inspectors of the association shall have free access to all such premises during regular working hours.

Rules for the prevention of injuries.

Any subscriber or employee aggrieved by any such rule or regulation may petition the industrial accident board for

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a review, and it may affirm, amend, or annul the rule or regulation.

False oath by officer of association.

SECTION 19. If any officer of the association shall falsely make oath to any certificate required to be filed with the insurance commissioner, he shall be guilty of perjury.

Notice to employees of insurance.

SECTION 20. Every subscriber shall, as soon as he secures a policy, give notice, in writing or print, to all persons under contract of hire with him that he has provided for payment to injured employees by the association.

Further notice.

SECTION 21 [as amended by section 16 of chapter 571, Acts of 1912]. Every subscriber shall give notice in writing or print to every person with whom he is about to enter into a contract of hire that he has provided for payment to injured employees by the association. If an employer ceases to be a subscriber he shall, on or before the day on which his policy expires, give notice thereof in writing or print to all persons under contract with him. In case of the renewal of the policy no notice shall be required under the provisions of this act. He shall file a copy of said notice with the industrial accident board. The notices required by this and the preceding section may be given in the manner therein provided or in such other manner as may be approved by the industrial accident board.

Subscriber indemnified from actions at law.

SECTION 22. If a subscriber, who has complied with all the rules, regulations and demands of the association, is required by any judgment of a court of law to pay to an employee any damages on account of personal injury sustained by such employee during the period of such subscription, the association shall pay to the subscriber the full amount of such judgment and the cost assessed therewith, if the subscriber shall have given the association notice in writing of the bringing of the action upon which the judgment was recovered and an opportunity to appear and defend the same.

Application of regular insurance laws.

SECTION 23. The provisions of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven and of acts in amendment thereof shall apply to the association, so far as such provisions are pertinent and not in conflict with the provisions of this act, except that the corporate powers shall not expire because of failure to issue policies or make insurance.

Expenses of directors.

SECTION 24. The board of directors appointed by the governor under the provisions of Part IV, section two, may incur such expenses in the performance of its duties as shall be approved by the governor and council. Such expenses shall be paid from the treasury of the commonwealth and shall not exceed in amount the sum of fifteen thousand dollars.

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## PART V.

### MISCELLANEOUS PROVISIONS.

SECTION 1. If an employee of a subscriber files any claim with or accepts any payment from the association on account of personal injury, or makes any agreement, or submits any question to arbitration, under this act, such action shall constitute a release to the subscriber of all claims or demands at law, if any, arising from the injury. Release of subscriber from claims at law.

SECTION 2 [as amended by section 1 of chapter 568, Acts of 1913, and section 13 of chapter 708, Acts of 1914]. The following words and phrases, as used in this act, shall, unless a different meaning is plainly required by the context, have the following meaning: — Definitions.

"Employer" shall include the legal representative of a deceased employer. "Employer."

"Employee" shall include every person in the service of another under any contract of hire, express or implied, oral or written, except masters of and seamen on vessels engaged in interstate or foreign commerce, and except one whose employment is not in the usual course of the trade, business, profession or occupation of his employer. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents and other persons to whom compensation may be payable. (*In effect October 1, 1914.*) "Employee."

"Dependents" shall mean members of the employee's family or next of kin who were wholly or partly dependent upon the earnings of the employee for support at the time of the injury. "Dependents."

"Average weekly wages" shall mean the earnings of the injured employee during the period of twelve calendar months immediately preceding the date of injury, divided by fifty-two; but if the injured employee lost more than two weeks' time during such period then the earnings for the remainder of such twelve calendar months shall be divided by the number of weeks remaining after the time so lost has been deducted. Where, by reason of the shortness of the time during which the employee has been in the employment of his employer, or the nature or terms of the employment, it is impracticable to compute the average weekly wages, as above defined, regard may be had to the average weekly amount which, during the twelve months previous to the injury, was being earned by a person in the same grade employed at the same work by the same employer; or, if there is no person so employed, by a person "Average weekly wages."

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in the same grade employed in the same class of employment and in the same district.

"Association."

"Association" shall mean the Massachusetts Employees Insurance Association.

"Subscriber."

"Subscriber" shall mean an employer who has become a member of the association by paying a year's premium in advance and receiving the receipt of the association therefor, provided that the association holds a license issued by the insurance commissioner as provided in Part IV, section twelve.

Rights of any liability company under act same as association.

SECTION 3 [as amended by section 17 of chapter 571, Acts of 1912]. Any liability insurance company authorized to do business within this commonwealth shall have the same right as the association to insure the liability to pay the compensation provided for by Part II of this act, and when such liability company issues a policy conditioned to pay such compensation the holder of such policy shall be regarded as a subscriber so far as applicable within the meaning of this act, and when any such company insures such payment of compensation it shall be subject to the provisions of Parts I, II, III and V and of section twenty-two of Part IV of this act, and shall file with the insurance department its classifications of risks and premiums relating thereto and any subsequent proposed classifications or premiums, none of which shall take effect until the insurance commissioner has approved the same as adequate for the risks to which they respectively apply.

Repeal.

SECTION 4 [as amended by section 18 of chapter 571, Acts of 1912]. Sections one hundred and thirty-six to one hundred and thirty-nine, inclusive, of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine are hereby repealed.

Not retroactive.

SECTION 5. The provisions of this act shall not apply to injuries sustained prior to the taking effect thereof.

When act takes effect.

SECTION 6 [as amended by section 19 of chapter 571, Acts of 1912]. Part IV of this act shall take effect on the first day of January, nineteen hundred and twelve; sections one to three, inclusive, of Part III shall take effect on the tenth day of May, nineteen hundred and twelve; the remainder thereof shall take effect on the first day of July, nineteen hundred and twelve.

Information and statistics to be furnished by insurers.

SECTION 7 [new section, as added by section 15 of chapter 708, Acts of 1914]. The association and all insurance companies insuring employees under the provisions of this act shall, at the request of the industrial accident board, furnish to said board in writing any information required in connection with the administration by said board of said act, including any statistical facts and figures and the names of all employers insured by them. (*In effect October 1, 1914.*)

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SECTION 8 [new section, as added by section 15 of chapter 708, Acts of 1914]. There may be established and maintained under the care and direction of the industrial accident board not more than four branch offices, in such cities as may be selected by said board from time to time after proper investigation, for the purpose of the better adjustment of disputed cases, and for the better information of all parties as to their rights under this act. Said board is hereby authorized to provide such offices with useful rooms, furniture and equipment required for the transaction of the business authorized by this act, also to appoint such officers, agents, clerks, and assistants as are necessary to discharge in connection with such offices the duties required by said act, under the direction of said industrial accident board. (*In effect October 1, 1914.*) Branch offices.

SECTION 9 [new section, as added by section 15 of chapter 708, Acts of 1914]. The industrial accident board may appoint a medical adviser who shall be a duly qualified physician. Said board shall prescribe the duties of said medical adviser. His compensation shall be fixed by said board, subject to the approval of the governor and council, and shall not exceed the sum of four thousand dollars a year. (*In effect June 25, 1914.*) Medical adviser.

Chapter 708,[1] Acts of 1914, further provides: —

SECTION 16. All insurance rates under said chapter seven hundred and fifty-one [Acts of 1911], and acts in amendment thereof and in addition thereto, now on file and approved by the insurance commissioner, shall continue to apply to the several classifications after the taking effect of the provisions of this act, unless the insurance commissioner withdraws approval in accordance with the provisions of chapter six hundred and sixty-six of the acts of the year nineteen hundred and twelve. (*In effect October 1, 1914.*) Present insurance rates to apply until approval is withdrawn.

SECTION 17. Sections one, two, four, five, six, seven, eight, thirteen and fourteen of this act shall take effect on the first day of October next, except that all policies of insurance under chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven and acts in amendment thereof and in addition thereto, written after the passage of this act, shall provide for the payment after said first day of October of the additional benefits provided by said sections, and in all other respects this act shall take effect upon its passage. [*Approved June 25, 1914.* Dates upon which sections of chapter become effective.

[1] Sections 16 and 17 of chapter 708, Acts of 1914, although not specifically so designated, may be considered as sections 10 and 11, Part V.

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CHAPTER 311, ACTS OF 1912.

AN ACT TO AUTHORIZE CERTAIN MUTUAL INSURANCE COMPANIES TO TRANSACT THE BUSINESS OF EMPLOYERS' LIABILITY INSURANCE, SO-CALLED.

*Be it enacted, etc., as follows:*

Mutual insurance companies.

SECTION 1. Section one of chapter two hundred and fifty-one of the acts of the year nineteen hundred and eleven is hereby amended by adding at the end thereof the words: — Mutual companies doing business and organized prior to April sixth, nineteen hundred and eleven, to transact employers' liability business may have and exercise all the rights and powers conferred by this section upon companies which may be organized hereunder, but such rights and powers shall not be exercised unless authorized by a two thirds vote of the policy-holders present and voting at a meeting duly called for that purpose, — so as to read as follows: — *Section 1.* Ten or more persons who are residents of this commonwealth may form an insurance company on the mutual plan to insure any person, firm or corporation against loss or damage on account of the bodily injury or death by accident of any person, or against damage caused by automobiles to property of another, for which loss or damage such person, firm or corporation is responsible. The corporation shall be formed in the manner described in, and be subject to, the provisions of sections fifteen to twenty, inclusive, of chapter one hundred and ten of the Revised Laws, except as is otherwise provided herein. Mutual companies doing business and organized prior to April sixth, nineteen hundred and eleven, to transact employers' liability business may have and exercise all the rights and powers conferred by this section upon companies which may be organized hereunder, but such rights and powers shall not be exercised unless authorized by a two thirds vote of the policy-holders present and voting at a meeting duly called for that purpose.

SECTION 2. This act shall take effect upon its passage. [*Approved March 22, 1912.*

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CHAPTER 666, ACTS OF 1912.

AN ACT RELATIVE TO THE INSURANCE OF COMPENSATION TO EMPLOYEES FOR PERSONAL INJURIES RECEIVED IN THE COURSE OF THEIR EMPLOYMENT.

*Be it enacted, etc., as follows:*

SECTION 1. The insurance commissioner may withdraw his approval of any premium or distribution of subscribers given by him to the Massachusetts Employees Insurance Association under the provisions of section seventeen of Part IV of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, or of any premium or rate made by an insurance company and approved by him under the provisions of section three of Part V of said chapter seven hundred and fifty-one as amended by section seventeen of chapter five hundred and seventy-one of the acts of the year nineteen hundred and twelve.

Withdrawal of approval by insurance commissioner. See page 21.

SECTION 2. The notices required by section five of Part I of said chapter seven hundred and fifty-one shall be given in such manner as the industrial accident board may approve.

Manner of giving notices. See page 5.

SECTION 3. This act shall take effect upon its passage. [*Approved May 28, 1912.*

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CHAPTER 807, ACTS OF 1913.

AN ACT TO PROVIDE FOR COMPENSATING CERTAIN PUBLIC EMPLOYEES FOR INJURIES SUSTAINED IN THE COURSE OF THEIR EMPLOYMENT.

*Be it enacted, etc., as follows:*

SECTION 1. The commonwealth shall and any county, city, or town, or district having the power of taxation, may pay the compensation provided by Part II of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven and acts in amendment thereof and in addition thereto to such laborers, workmen and mechanics employed by it as receive injuries arising out of and in the course of their employment, or, in case of death resulting from any such injury, may pay compensation as provided in sections six, seven and eight of said Part II, and in any amendments thereof, to the persons thereto entitled.

Commonwealth shall and county, city, town or district may pay compensation to laborers, workmen and mechanics.

SECTION 2. Procedure under this act and the jurisdiction of the industrial accident board shall be the same as under the provisions of said chapter seven hundred and fifty-one,

Procedure and jurisdiction.

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and the commonwealth or a county, city, town or district which accepts the provisions of this act shall have the same rights in proceedings under said chapter as the association thereby created. The treasurer and receiver general, or the treasurer or officer having similar duties of a county, city, town or district which accepts the provisions of this act, shall pay any compensation awarded for injury to any person in its employment upon proper vouchers without any further authority.

Payment of compensation.

How provisions may be accepted.

SECTION 3. Counties, cities, towns, and districts having the power of taxation, may accept the provisions of this act by vote of a majority of those legal voters who vote on the question of its acceptance at an annual meeting or election as hereinafter provided. In towns and districts which have an annual meeting of the legal voters, this act shall be submitted for acceptance to the voters of the town or district at the next annual meeting after its passage. In cities, and in towns which do not have annual meetings, this act shall be submitted to the voters at the next municipal election, and in counties and in districts which do not have an annual meeting, at the next state election after its passage. At every such election, and at every annual meeting where ballots are used, the following question shall be printed on the ballot:

Form of ballot.

"Shall chapter of the acts of nineteen hundred and thirteen, being an act to provide for compensating laborers, workmen and mechanics for injuries sustained in public employment, and to exempt from legal liability counties and municipal corporations which pay such compensation, be accepted by the inhabitants of this (county, city, town, water district, fire district, etc.) of ?"

| | |
|---|---|
| YES. | |
| NO. | |

The vote shall be canvassed by the county commissioners, city council or commission, or selectmen, or, in the case of a district, by the district commissioners or other governing board of the district. A notice stating the result of the vote shall be posted in the county court house, or city or town hall, or, in the case of a district, in the public building where the employees of the district are paid. Except as provided in section four, a county, city, town or district which accepts the provisions of this act shall not be liable in any action for a personal injury sustained by a laborer, workman or mechanic in the course of his employment by such county, city, town or district, or for death resulting from such injury.

Notice of result of vote.

Claim or waiver of right of action at law.

SECTION 4. A laborer, workman or mechanic entering or remaining in the service of a county, city, town or district, who would, if injured, have a right of action against the

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county, city, town or district by existing law, may, if the county, city, town or district has accepted the provisions of this act, before he enters its service, or accepts them afterward, claim or waive his right of action as provided in section five of Part I of said chapter seven hundred and fifty-one, and shall be deemed to have waived such right of action unless he claims it. Section four of said Part I shall apply to actions by laborers, workmen or mechanics employed by a county, city, town or district which accepts the provisions of this act.

Person injured shall elect whether to receive compensation or pension, if entitled to latter.

SECTION 5. Any person entitled to receive from the commonwealth or from a county, city, town or district the compensation provided by Part II of said chapter seven hundred and fifty-one, who is also entitled to a pension by reason of the same injury, shall elect whether he will receive such compensation or such pension, and shall not receive both. In case a person entitled to such compensation from the commonwealth or from a county, city, town or district receives by special act a pension for the same injury, he shall forfeit all claim for compensation, and any compensation received by him or paid by the commonwealth or by the county, city, town or district which employs him for medical or hospital services rendered to him may be recovered back in an action at law. No further payment shall be awarded by vote or otherwise to any person who has claimed and received compensation under this act.

Act applicable to all laborers, workmen and mechanics.

SECTION 6. This act shall apply to all laborers, workmen and mechanics in the service of the commonwealth or of a county, city or town, or district having the power of taxation, under any employment or contract of hire, expressed or implied, oral or written, including those employed in work done in performance of governmental duties as well as those employed in municipal enterprises conducted for gain or profit. For the purposes of this act all laborers, workmen and mechanics paid by the commonwealth, but serving under boards or commissions exercising powers within defined districts, shall be deemed to be in the service of the commonwealth.

SECTION 7 [as amended by section 1 of chapter 307, General Acts of 1916]. The provisions of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, and acts in amendment thereof and in addition thereto shall not apply to any persons in public employments other than laborers, workmen and mechanics employed by counties, cities, towns, or districts having the power of taxation. (*In effect June 2, 1916.*)

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CHAPTER 813, ACTS OF 1913.

## AN ACT RELATIVE TO INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES.[1]

*Be it enacted, etc., as follows:*

Joint board to investigate employments.

SECTION 1. The state board of labor and industries and the industrial accident board, sitting jointly, shall investigate from time to time employments and places of employment within the commonwealth, and determine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all such employments or places of employment; and also shall determine what suitable devices or other reasonable means or requirements for the prevention of industrial or occupational diseases shall be adopted or followed in any or all such employments or places of employment; and shall make reasonable rules, regulations and orders for the prevention of accidents and the prevention of industrial or occupational diseases in such employments or places of employment. Such rules, regulations and orders may apply to both employer and employee.

Prevention of accidents and occupational diseases.

Hearing before adoption of regulation.

SECTION 2. Before the adoption of any rule or regulation by the said joint board a hearing shall be given, and not less than ten days before the hearing a notice thereof shall be published in at least three newspapers, of which one shall be published in the city of Boston. Such rules or regulations shall upon adoption be published in like manner, and shall take effect thirty days after such publication, or at such later time as the board may fix. Before the adoption of any order a hearing shall be given thereon, of which a notice of not less than ten days shall be given to the individuals, firms, corporations or associations affected thereby.

Appointment of committees.

SECTION 3. The joint board may appoint committees, on which employers and employees shall be represented, to investigate and recommend rules and regulations.

To prevent duplication of inspection and investigation.

SECTION 4. The joint board shall make such general arrangements between the two boards as will prevent duplication of effort but the inspection and investigation carried on by the state board of labor and industries shall be a regular and systematic inspection and investigation of all places of employment and the conditions of safety and health pertaining thereto, and the inspection and investigation carried on by the industrial accident board shall be that relating to causes of injuries for which compensation may be claimed.

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[1] See chapter 308, General Acts of 1916.

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SECTION 5. Any member or employee of either board may enter any place of employment for any purpose under this act at any time when the place of employment is being used for business purposes.

Right to enter places of employment.

SECTION 6. The joint board may require every physician treating a patient whom he believes to be suffering from any ailment or disease contracted as a result of the nature, circumstances or conditions of the patient's employment to report such information relating thereto as it may require, within such time as it may fix, to the state board of labor and industries, and it may issue a list of such diseases which shall be regularly reported upon by physicians and may add to or change such list at any time. Copies of all such reports and all statistics and data compiled therefrom shall be kept by the state board of labor and industries, and shall be furnished on request to the industrial accident board and the state board of health.

Physicians may be required to report diseases.

SECTION 7. All hearings by the joint board shall be open to the public. The chairman of the state board of labor and industries and the chairman of the industrial accident board shall act alternately as chairman of the joint board, and the said board may designate one of the employees of either board to act as secretary.

Hearings open to the public.

SECTION 8. Section eight of chapter seven hundred and twenty-six of the acts of the year nineteen hundred and twelve is hereby amended by adding at the end of the first paragraph thereof the words: — or persons especially qualified by technical education in matters relating to health and sanitation.

Amendment to section 8, chapter 726, Acts of 1912.

SECTION 9. The industrial accident board may appoint and remove not more than six inspectors, subject to the laws relating to the appointment and removal of employees in the classified civil service. They shall be required to pass examinations of a comprehensive and practical character based upon the particular requirements of the kinds of work to be done, shall be graded in such manner as the board may deem expedient, and shall receive such salaries as the board, with the approval of the governor and council, may fix.

Industrial Accident Board inspectors.

SECTION 10. If any rule or regulation made under authority of section eighteen of Part IV of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven conflicts with or differs from a rule or regulation of the joint board, the rule or regulation of the joint board shall prevail.

Joint board rules or regulations control.

SECTION 11. There may be expended annually by the joint board in carrying out the provisions of this act such sums as the general court may appropriate. The joint

Annual appropriation.

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board shall annually submit to the auditor of the commonwealth such statements of estimates to cover its expenses as are required by section three of chapter seven hundred and nineteen of the acts of the year nineteen hundred and twelve.

Meaning of terms and phrases.

SECTION 12. The following terms and phrases, as used in this act, shall have the following meanings: —

"Employment."

(*a*) The term "employment" shall mean and include any trade, occupation or branch of industry, any particular method or process used therein, and the service of any particular employer; but shall not include private domestic service or service as a farm laborer.

"Place of employment."

(*b*) The phrase "place of employment" shall mean and include every place whether indoors or out or underground and the premises appurtenant thereto, into, in or upon which any employee goes or remains either temporarily or regularly in the course of his employment.

"Safe" and "safety."

(*c*) The terms "safe" and "safety", as used in this act, shall be held to relate to such freedom from danger to the life, safety and health of employees as the nature of the employment will reasonably permit.

"Industrial" or "occupational disease."

(*d*) The terms "industrial disease" and "occupational disease" shall mean and include any ailment or disease caused by the nature, circumstances or conditions of the employment.

Violation of regulations.

SECTION 13. Whoever violates any reasonable rule, regulation, order or requirement made by the joint board under authority hereof, shall be punished by a fine of not more than one hundred dollars for each offence.

All acts inconsistent herewith repealed.

SECTION 14. All acts and parts of acts inconsistent herewith are hereby repealed; but this provision shall not be construed to take away any of the existing powers of the industrial accident board, the board of railroad commissioners, the state board of health, the board of boiler rules, the boiler inspection department of the district police, or the building inspection department of the district police, or any power given to the state board of labor and industries by chapter seven hundred and twenty-six of the acts of the year nineteen hundred and twelve.

SECTION 15. This act shall take effect upon its passage. [*Approved June 16, 1913.*

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CHAPTER 308, GENERAL ACTS OF 1916.

AN ACT TO TRANSFER TO THE STATE BOARD OF LABOR AND INDUSTRIES CERTAIN POWERS AND DUTIES HERETOFORE EXERCISED JOINTLY BY SUCH BOARD AND THE INDUSTRIAL ACCIDENT BOARD.

*Be it enacted, etc., as follows:*

SECTION 1. The powers and duties of the state board of labor and industries and the industrial accident board, sitting jointly, in accordance with the provisions of chapter eight hundred and thirteen of the acts of the year nineteen hundred and thirteen, are hereby transferred to the state board of labor and industries.

SECTION 2. This act shall take effect upon its passage. [*Approved June 2, 1916.*

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CHAPTER 183, GENERAL ACTS OF 1915.

AN ACT TO SECURE PROMPT PAYMENT OF WORKMEN'S COMPENSATION BENEFITS WHEN A FOREIGN INSURANCE COMPANY WITHDRAWS FROM THIS COMMONWEALTH.

*Be it enacted, etc., as follows:*

**Insurers withdrawing shall deposit certain sums.**

SECTION 1. Every foreign insurance company transacting the business of workmen's compensation insurance in this commonwealth shall within five days after its withdrawal from the transaction of business herein, or after the revocation of its license issued by the insurance commissioner or of his refusal to renew the same, deposit with a trustee to be named by the industrial accident board, an amount equal to twenty-five per cent of its obligations, incurred or to be incurred, under workmen's compensation policies issued to employers in this commonwealth, and within thirty days after such withdrawal, revocation of license or refusal to renew a license, such company shall deposit with said trustee an amount equal to the remainder of such obligations, incurred or to be incurred the amount of which obligations shall be determined by the industrial accident board. The amounts so deposited shall be available for the payment of the said obligations of the company to the same extent as if the company had continued to transact business in this commonwealth, and it shall be the duty of the trustee so receiving said deposits to pay such obligations of the retiring company at the times and in a manner satisfactory to the industrial accident board.

**Such sums shall be used to pay obligations.**

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Bond shall be furnished.

SECTION 2 [as amended by section 1 of chapter 29, General Acts of 1916]. Every such foreign insurance company shall, within sixty days after the passage of this act, furnish a bond running to the commonwealth, with some surety company authorized to transact business in this commonwealth as surety, for such term and such amount and in such form and with such surety as may be approved by the insurance commissioner, the bond being conditioned upon the making by such company of the deposits required by section one of this act. The annual license of such a company shall not be issued or renewed until it has filed with the insurance commissioner a bond as aforesaid covering a future period at least as long as that covered by the license. In place of a bond as aforesaid the company may furnish other security, upon a like condition, satisfactory to the insurance commissioner. (*In effect March 8, 1916.*)

SECTION 3. This act shall take effect upon its passage. [*Approved April 19, 1915.*

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CHAPTER 244, GENERAL ACTS OF 1915.

AN ACT TO FIX RESPONSIBILITY FOR THE PAYMENT OF WORKMEN'S COMPENSATION BY THE COMMONWEALTH AND BY COUNTIES, CITIES, TOWNS AND DISTRICTS.

*Be it enacted, etc., as follows:*

Agent shall be designated.

SECTION 1. Every board, commission and department of the commonwealth employing laborers, workmen and mechanics, the Boston transit commission, and every county, city, town and district which has accepted the provisions of chapter eight hundred and seven of the acts of the year nineteen hundred and thirteen shall, through its executive officer or board, designate a person to act as its agent in furnishing the benefits due under chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven and acts in amendment thereof and in addition thereto. Such agent shall be held responsible for the proper carrying out of this act under the direction and supervision of the industrial accident board until his agency is revoked and a new agent designated. The name and address of every such agent shall be filed with the industrial accident board immediately upon his designation; and each of the foregoing boards, commissions, departments, counties, cities, towns and districts shall designate such an agent within thirty days after this act takes effect.

Agent not to be appointed if insured.

SECTION 2. This act shall not apply to counties, cities, towns and districts which are insured under the provisions of

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chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven and acts in amendment thereof.

SECTION 3. This act shall take effect on the first day of June, in the year nineteen hundred and fifteen. [*Approved May 10, 1915.*

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CHAPTER 270, SPECIAL ACTS OF 1915.

AN ACT RELATIVE TO THE COMPENSATION FOR INJURIES TO WORKMEN AND MECHANICS IN THE EMPLOY OF THE BOSTON TRANSIT COMMISSION.

*Be it enacted, etc., as follows:*

Compensation to laborers, workmen and mechanics of Boston transit commission.

SECTION 1. Section one of chapter six hundred and thirty-six of the acts of the year nineteen hundred and fourteen is hereby amended by inserting after the word "laborers," in the first and ninth lines, the words: — workmen and mechanics, — so as to read as follows: — *Section 1.* Laborers, workmen and mechanics employed by the Boston transit commission shall be deemed to be in the service of the city of Boston within the provisions of chapter eight hundred and seven of the acts of the year nineteen hundred and thirteen, and shall be entitled to compensation provided for by that act. Such compensation shall be paid out of the proceeds of the rapid transit loans and shall be included in the net cost of the tunnel or subway in the construction of which such laborers, workmen and mechanics receive personal injuries arising out of and in the course of their employment.

SECTION 2. This act shall take effect upon its passage. [*Approved April 12, 1915.*

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CHAPTER 287, GENERAL ACTS OF 1915.

AN ACT PROVIDING THAT WORKMEN'S COMPENSATION INSURANCE POLICIES SHALL BE SUBJECT TO APPROVAL BY THE INSURANCE COMMISSIONER.

*Be it enacted, etc., as follows:*

SECTION 1. Every policy of workmen's compensation insurance issued or delivered in this commonwealth shall cover separately and for a separate consideration all the liabilities which are imposed upon an insurer by the provisions of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven and amendments thereof, whatever other contingencies may be insured by riders attached thereto or endorsements made thereon. On

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the face of every such policy there shall be printed conspicuously the words: "Insurance under this policy is in Class of the company's Workmen's Compensation Classification Manual", and in the blank thus provided the number or other designation in said manual under which the said policy is written shall be placed before the policy is issued.

Workmen's compensation insurance policies subject to approval of insurance commissioner.

SECTION 2. No such policy of insurance or rider to be used therewith shall be issued or delivered until a copy thereof has been filed with the insurance commissioner at least thirty days prior to such issue or delivery, unless before the expiration of the thirty days the said commissioner shall have approved the form of the policy in writing; nor if the insurance commissioner notifies the company in writing that in his opinion the form of said policy or rider does not comply with the laws of this commonwealth, specifying the reasons for his opinion: *provided,* that upon petition of the company the opinion of the insurance commissioner shall be subject to review by the supreme judicial court of this commonwealth.

SECTION 3. This act shall take effect on the first day of July, in the year nineteen hundred and fifteen. [*Approved May 27, 1915.*

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CHAPTER 200, GENERAL ACTS OF 1916.

AN ACT RELATIVE TO WORKMEN'S COMPENSATION AND LIABILITY INSURANCE.

*Be it enacted, etc., as follows:*

Workmen's compensation and liability insurance.

SECTION 1. Any mutual liability company authorized to do business in this commonwealth may, with the approval of the insurance commissioner, have and exercise any or all of the rights, powers and privileges relating to the transaction of the business of workmen's compensation insurance by law vested in or conferred upon the Massachusetts Employees Insurance Association.

SECTION 2. The Massachusetts Employees Insurance Association may with the approval of the insurance commissioner have and exercise, within or without the commonwealth, all of the rights, powers and privileges vested in or conferred upon domestic mutual liability companies under general laws, and shall be subject to all the laws now or hereafter in force relating to such companies.

SECTION 3. This act shall take effect upon its passage. [*Approved May 12, 1916.*

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CHAPTER 75, RESOLVES OF 1916.

## RESOLVE DIRECTING THE BOARD OF EDUCATION TO INVESTIGATE THE SUBJECT OF SPECIAL TRAINING FOR INJURED PERSONS.

Board of Education to investigate subject of special training for injured persons.

*Resolved,* That the board of education is hereby directed to ascertain, and to report to the next general court, on or before the second Tuesday of January, what facilities exist in this commonwealth and what provisions have been made to give special training and instruction to persons who have suffered the loss of sight, or loss of or injury to a limb, or other severe injury, and whose earning capacity has been destroyed or impaired thereby, for the purpose of re-establishing or increasing the ability of such persons to earn a livelihood, and also to investigate and report what provision has been made or opportunity furnished for the objects aforesaid in other states and in foreign countries. The board shall include in its report a statement of its opinion as to the advisability of action on the part of the commonwealth to establish or extend means for training and instruction as aforesaid, and shall submit drafts of such legislation, if any, as the board may deem expedient in the premises. [*Approved May 1, 1916.*

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# RULES ADOPTED BY INDUSTRIAL ACCIDENT BOARD.

## Rule No. 1.

*Manner of giving Notice by Employer of Acceptance of the Act.*

If personal service is not made of the notices required by sections 20 and 21 of Part IV, chapter 751 of the Acts of 1911, and the amendments thereto, said notices may be given by posting the same at one or more of the principal entrances to the factory, shop or place of business of the employer, and in each room where labor is employed; said notices to be printed or typewritten.

*Supplement to Rule 1.*

It has been represented to the Industrial Accident Board that it is possible that employees may be engaged for labor away from the office or headquarters of the subscriber, or may be employed in more than one place or office, and that in these cases personal notice is not always possible or practical. To meet this situation the Board has passed the following supplement to Rule No. 1: —

Where the same employees are employed in more than one room in a building, or in various places, or where employers are engaged in such business as that of managing office buildings, and personal service of the notices required by sections 20 and 21, Part IV, chapter 751 of the Acts of 1911, and amendments thereto, is not made, said notices can be served by posting the same at one or more of the principal entrances to each building so managed, or where labor is employed, or by posting the same in a conspicuous place near any time clock or other registering device which employees in any such building are required to use, or by posting the same at the entrance to the office of the janitor of said building, or by posting the same at the place where the employee is hired.

## Rule No. 2.

*Manner of giving Notice by Employee to Employer.*

In each instance the notice shall be served upon the employer, or upon one employer if there are more employers than one, or upon any officer or agent of a corporation if the employer is a corporation, by delivering the same to the

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person on whom it is to be served, or by leaving it at his residence or place of business, or by sending it by registered mail addressed to the person or corporation on whom it is to be served, at his last known residence or place of business. (Section 5, Part I, chapter 751 of the Acts of 1911, and amendments thereto.)

### Rule No. 3.

*Report of Accidents by Association or Insurance Companies to the Board.*

That the association and liability insurance companies report to it all accidents within five days after receipt of notice thereof by them from any subscriber, by sending to the Industrial Accident Board a list or brief statement of the same.

### Rule No. 4.

*Additional Copy of Employee's Claim for Compensation to be sent to Insurance Association or Company.*

An employee making a claim for compensation under this act shall furnish the association or insurance company against whom said claim is made with a copy thereof by mail or otherwise forthwith, upon the filing of the same with the Industrial Accident Board. This rule shall be without prejudice to any rights acquired by the filing of said claim with the Board under the provisions of Part II, section 23, chapter 751 of the Acts of 1911, and amendments thereto, or by other provisions of said act.

### Rule No. 5.

*Insurance Association and Companies to notify Industrial Accident Board of Employers who insure or cease to insure.*

That the insurance association and all liability insurance companies shall notify the Industrial Accident Board of the names and addresses of all employers who insure their liability under the workmen's compensation act, notice to be given forthwith upon the issuance of such insurance and a further notice to be given when employers cease to be so insured.

### Rule No. 6.

*Agreements between the Insurer and Employee.*

Every agreement in regard to compensation under this act is subject to approval by the Industrial Accident Board, and a memorandum of the same must be filed with the Board, whether said agreement is written or oral, and whether it is made by one or both parties, or in the form of a receipt. Any weekly payment or settlement under the act, whether purporting to be final or otherwise, may be reviewed by the Board. (Section 20, Part II, and sec-

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tions 4 and 12, Part III, chapter 751 of the Acts of 1911, and amendments thereto, and rule adopted by the Board.)

The above paragraph of this rule shall be written or printed at the head of every agreement regarding compensation, and of every receipt taken by the insurer from the employee.

## Rule No. 7.

*Employer to file Notice of Insurance with the Board.*

Every employer shall file with the Industrial Accident Board a copy of the form of notice, including the signature thereto, which he has given to his employees that he has insured under this act.

## Rule No. 8.

*Employer to notify Employees of Change of Insurer.*

Every employer shall notify his employees of any change of insurer by serving or posting a new "notice to employees," stating the name of the new insurance company or association insuring his liability under this act, and filing a copy of such notice with the Industrial Accident Board.

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# FORMS ADOPTED BY INDUSTRIAL ACCIDENT BOARD.

FORM No. 1.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

*Notice to Employees.*

As required by chapter 751 of the Acts of 1911, Commonwealth of Massachusetts, and amendments thereto, entitled "An Act relative to payment to employees for personal injuries received in the course of their employment, and to the prevention of such injuries."

This will give you notice that I (we) have provided for payment to our injured employees under the above act by insuring with the .....
..... Insurance Co.
.....
Insert address of company here.

Date ..... .....
Name of employer.

Address ..... .....
City or town. Street and number.

---

FORM No. 2.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

*Notice of Claim of Common Law Rights.*

.....191 .

To .....
Name of employer.

This is to notify you that I claim my right of action at common law to recover damages for personal injuries. This notice is given to you under the Acts of 1911, chapter 751, section 5, Part I, and amendments thereto.

.....
Signature of employee.

Address, .....
City or Town, Street and No.

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FORM NO. 3.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

*Notice of Waiver of Rights under Common Law previously claimed.*

.....191 .

To .....Employer.

This is to notify you that I waive my rights under the common law previously claimed by former notice, and now claim my rights under the workmen's compensation act. This notice is given to you under the Acts of 1911, chapter 751, section 5, Part I, and amendments thereto.

.....
Signature of employee.

Address, .....
City or town, street and No.

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FORM NO. 4.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

Whenever any weekly payment has been continued for not less than six months, the liability therefor may in unusual cases be redeemed by the payment of a lump sum by agreement of the parties, subject to the approval of the Industrial Accident Board. (Section 22, Part II, chapter 751, Acts of 1911, and amendments thereto.)

*Agreement for redeeming Liability by Payment of Lump Sum.*

Received of.....
Name of insurer.

the lump sum of..... dollars and.....cents, making in all, with weekly payments already received by me, the total sum of.....dollars and.....cents, a weekly payment having been continued for not less than six months. Said payments are received in redemption of the liability for all weekly payments now or in the future due me under the Massachusetts Workmen's Compensation Act, for all injuries received by me on or about the.....day of....., 191.., while in the employ of .....
Name of employer and address.
, subject to the approval of the Industrial Accident Board.

Witness my hand this.....day of....., 191...

| | |
|---|---|
| Witness ..... | ..... |
| Name. | Name of employee. |
| Address ..... | ..... |
| City or town. | City or town. |
| ..... | ..... |
| Street and number. | Street and number. |
| ..... | ..... |
| Date. | Name of insurance association or company. |

Per.....

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FORM NO. 5.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

*Notice that an Employer has ceased to be a Subscriber.*

Section 21, Part IV, chapter 751, Acts of 1911, as amended by section 16, chapter 571, Acts of 1912, provides that when an employer ceases to be a subscriber, he shall, on or before the day on which his policy expires, give notice thereof in writing or print to all persons under contract of hire with him, and he shall file a copy of said notice with the Industrial Accident Board. In case of the renewal of the policy, no notice is required. Following is the form: —

*Notice.*

This is to give you notice that I (we) have ceased to be a subscriber in any insurance company, under chapter 751, Acts of 1911, and amendments thereto, and that the policy formerly held by me expired..... or is to expire.....

.....
Name of employer.

Address, .....
City or town, street and No.

---

FORM NO. 6.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

*Notice to Industrial Accident Board that an Injured Employee has refused to submit Himself to an Examination.*

You are hereby notified that.....
Name of employee.

.....
Street and No. City or Town.

who was injured on or about.....while in the employ of .....
Date

.....at .....
Name of employer. Place.

has refused to submit himself to an examination, as required under the provisions of section 19, Part II, chapter 751 of the Acts of 1911, and amendments thereto.

.....
Name of insurance association or company.

Per.....

.....191
City.

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FORM No. 7. WORKMEN'S COMPENSATION ACT.

THE COMMONWEALTH OF MASSACHUSETTS.

INDUSTRIAL ACCIDENT BOARD,
NEW ALBION BUILDING,
1 BEACON ST., BOSTON, MASS.

*Notice to Employee from Industrial Accident Board relative to his Refusal to submit Himself to an Examination.*

To .....

.....
Street and No. City or town.

The .....
Name of insurance company.

has notified the Industrial Accident Board, under date of..... 191.., that you have refused to submit yourself for examination, as required by section 19, Part II, chapter 751, Acts of 1911, and amendments thereto. Your attention is called to the terms of the act which provides: —

"After an employee has received an injury, and from time to time thereafter . . . he shall . . . submit himself to an examination by a physician or surgeon . . . furnished and paid for by the association or subscriber. The employee shall have the right to have a physician provided and paid for by himself present at the examination. If he refuses to submit himself for the examination, or in any way obstructs the same, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited."

INDUSTRIAL ACCIDENT BOARD,
By.....

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FORM No. 8.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

Every agreement in regard to compensation under this act is subject to approval by the Industrial Accident Board, and a memorandum of the same must be filed with the Board, whether said agreement is written or oral, and whether it is made by one or both parties, or in the form of a receipt. Any weekly payment or settlement under the act, whether purporting to be final or otherwise, may be reviewed by the Board. (Section 20, Part II, and sections 4 and 12, Part III, chapter 751 of the Acts of 1911, and amendments thereto, and Rule No. 6 adopted by the Board.)

....., Employee.
....., Insurer.

*Agreement in Regard to Compensation.*

We, ....., residing at....
Name and address of injured employee.
city or town of ..... and the
.....
Name and address of insurance association or company.
have reached an agreement in regard to compensation for the injury sustained by said employee while in the employ of .....
Here insert name and address of employer.

Here insert the time, including hour and date of accident, the place where it occurred, the nature and cause of injury, and other cause or ground of claim.

The terms of the agreement follow:
(Here state the sum per week agreed upon subject to the terms of the Act.)

| | |
|---|---|
| ..... | ..... |
| Witness. | Name of injured employee. |
| ..... | ..... |
| City or town, street and number. | Name of insurance association or company. |
| ..... | Per..... |
| Date. | |

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FORM NO. 9.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

*Note.* — This claim is to be filed with the Industrial Accident Board and may be sent by mail; at the time of filing, a copy thereof should also be sent by the employee to the insurance association or company. The claim should be made within six months after the occurrence of the injury. (Chapter 751, Part II, section 15, and section 23, as amended by Acts of 1912, chapter 571, section 5.)

## *Claim for Compensation for Injury.*

This is to notify you .....
Name of association or company with which employer is insured.
that I claim compensation from you under the workmen's compensation act, chapter 751, Acts of 1911, and amendments thereto, for personal injury sustained while in the employ of.....
....., of .....
Name of employer. Street and number.
.....The time of my injury was .....
City or town.
.....
Here state date and time of day as near as possible.
The place of injury was.....
State name or description of building, or place, where injury was sustained.
.....
The cause[1] of my injury was.....
Describe cause of injury.
.....
.....
.....
.....
The nature of my injury is as follows:.....
Describe injury with such exactness as possible.
.....
.....
.....

.....
Signature of injured employee.
.....
Street and number.
.....
City or Town.
.....
Date of making this claim.

---

[1] If it is claimed that the injury was caused by the serious and wilful misconduct of the employer, or of any person regularly entrusted with or exercising the powers of superintendence, it is requested that it be stated in this claim for compensation, setting forth in the alleged cause, in general terms, in what the serious and wilful misconduct of the employer or superintendent consisted.

Section 14 of Part III of this act provides that if any proceedings are brought, prosecuted or defended under this act without reasonable ground, the whole cost of the proceedings shall be assessed upon the party who has so brought, prosecuted or defended them.

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FORM No. 10.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

Under sections 15, 16 and 17, Part II, chapter 751, Acts of 1911, and amendments thereto, notice of the time, place and cause of the injury must be given to the employer or the association or the liability insurance company, as soon as practicable after the happening thereof. The following is a form of the notice to be given under the above sections.

*Notice of Injury.*

This is to notify you .....
Name of employer, or insurance association or company.
that on the.....day of....., 191 , at about ..o'clock,
....., I received personal injury while in your employ in the city (town) of....
a.m. or p.m.
in the.....
Name or description of building or place of employment.
and that the accident was caused to me by reason of .....
Describe cause of injury.

.....

.....

.....
Name of employee.

.....
City or town.

Address.....
Street and number.

---

FORM No. 11.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

CASE No. .

....., Employee.
....., Employer.
....., Insurer.

*Report of Member of Industrial Accident Board.*

The member of the Industrial Accident Board appointed under the provisions of Part III., sections 5 and 7, chapter 751, Acts of 1911, and amendments thereto, having heard the parties in the above-named case at (*place*) Mass., on (*day*), (*date*), 1917 at P.M., reports as follows:

Appearances:

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FORM NO. 12.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

*Application for Review of Claim before Full Board.*

*To the Industrial Accident Board, Boston, Mass.*

The undersigned, as provided in Part III, sections 7 and 10, chapter 751 of the Acts of 1911, and amendments thereto, makes application for a review of the findings of the member of the Board in the claim of.....
.....*v.*.....
.....

This claim for a review is based on the following grounds: —

.....
.....

.....191...

*Note.* — "No party shall as a matter of right be entitled to a second hearing on any *matter of fact.*"

---

FORM NO. 13.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

*Notice assessing Cost of Proceedings before Industrial Accident Board or Member of Board upon Party prosecuting or defending Same without Reasonable Grounds.*

....., Employee.
....., Insurer.

To .....

You are hereby notified that the proceedings before the.....
.....
Industrial Accident Board, or member of Board, as case may be.

on the above-entitled claim, have been determined by said member of Board, or Board, to have been.....by you without reasonable grounds,
Prosecuted or defended.

and that the costs, amounting to $....., are assessed against you.

Respectfully,

INDUSTRIAL ACCIDENT BOARD,
or MEMBER OF BOARD,
By .....

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FORM No. 14.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

Every agreement in regard to compensation is subject to approval by the Industrial Accident Board, and a memorandum of the same must be filed with the Board, whether said agreement is written or oral, and whether it is made by one or both parties, or in the form of a receipt. Any weekly payment or settlement under the act, whether purporting to be final or otherwise, may be reviewed by the Board. (Section 20, Part II, and sections 4 and 12, Part III, chapter 751 of the Acts of 1911, and amendments thereto, and rule adopted by the Board.)

*Receipt on Account of Compensation.*

Received of .....
Name of insurer.
the sum of.....dollars, and.....cents, being the proportion of my weekly wages for the period from the.....day of....., 191.., to the..... day of....., 191.., under the Massachusetts Workmen's Compensation Act, subject to review by the Industrial Accident Board.
$.....

.....
Employee.

.....
Street and No.

.....
City or Town.

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FORM No. 15.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

**Every agreement in regard to compensation under this act is subject to approval by the Industrial Accident Board, and a memorandum of the same must be filed with the Board, whether said agreement is written or oral, and whether it is made by one or both parties, or in the form of a receipt. Any weekly payment or settlement under the act, whether purporting to be final or otherwise, may be reviewed by the Board. (Section 20, Part II, and sections 4 and 12, Part III, chapter 751 of the Acts of 1911, and amendments thereto, and Rule No. 6 adopted by the Board.)**

## *Settlement Receipt.*

Received of.....
Name of insurer.

the sum of.....dollars and.....cents, making in all, with weekly payments already received by me, the total sum of.....dollars and.....cents, in settlement of compensation under the Massachusetts Workmen's Compensation Act, for all injuries received by me on or about the.....day of....., 191.., while in the employ of

.....
Name of employer, city or town, street and number.

subject to approval and review by the Industrial Accident Board.

Witness my hand this.....day of....., 191...

| | |
|---|---|
| Witness..... | ..... |
| Name. | Name of employee. |
| Address..... | ..... |
| Street and number. | Street and number. |
| ..... | ..... |
| City or town. | City or town. |

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FORM No. 16.

WORKMEN'S COMPENSATION ACT
INDUSTRIAL ACCIDENT BOARD
BOSTON, MASS.

....., Employee.
....., Employer.
....., Insurer.

*Notice of Failure of Parties to Reach an Agreement.*

*Industrial Accident Board, Boston, Mass.*

I,..... respectfully notify you in accordance with sections 5, 7 and 12, Part III, of said Act, that the above-named parties have failed to reach an agreement in regard to compensation, and request a hearing by a member of the Board.

We have been unable to agree because (here follows brief statement of the cause of disagreement).[1]

.....

.....

.....
Name of party giving notice.

.....
Address, street and number, city or town.

.....
Date of notice.

.....
Date of injury.

[1] If the cause of disagreement is not stated, we shall be obliged to return this form for such statement.

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